

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
v.) CERTIFICATION OF A
) SEXUALLY DANGEROUS PERSON
AURELIO ALMEDA, JR.,)
Register Number 96245-024,)
)
Respondent.)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted this 12th day of October, 2011.

THOMAS G. WALKER
United States Attorney

By: /s/ W. Ellis Boyle
W. ELLIS BOYLE
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Attorney for Petitioner
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N.C. Bar # 33826

CERTIFICATE OF SERVICE

This is to certify that I have this 12th day of October, 2011, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

Aurelio Almeda, Jr.
Reg. No. 96245-024
FCI Butner
P.O. Box 1000
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ W. Ellis Boyle
W. ELLIS BOYLE
Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office Civil Division
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N.C. Bar # 33826

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate Aurelio Almeda, Jr., Register Number 96245-024, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 60-month term of imprisonment, following the revocation of his probation (M.D. Fla.) (Case No. 8:98-CR-369-T-27BAJ). His original sentence was a nine-year term of imprisonment, following his conviction for Fraud to Obtain Money, in violation of 18 U.S.C. § 2314, and a suspended five-year term of imprisonment and a five-year term of probation, following his conviction for Postal Fraud, in violation of 18 U.S.C. §§ 1341 and 1342 (N.D. Ga.) (Case No. CR81-310). His projected release date is October 19, 2011.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by

18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his prior convictions for: Corruption of Minors, Indecent Exposure, Indecent Assault, and Criminal Conspiracy, in the Court of Common Pleas, Montgomery County, Pennsylvania (Case No. 288-78), for exposing his genitals to a ten-year-old male victim and an eleven-year-old male victim, fondling the victims' genitals, having the victims' fondle his genitals, showing the victims pornography, and conspiring with his son, who was under 14 years of age, to commit these acts; and Battery, in the 18th Judicial Circuit Court, Du Page County, Illinois (Case No. CR 2978), for performing oral sex on a 14-year-old male juvenile;

(b) A psychological review and assessment indicated an Axis I diagnosis of Pedophilia, Sexually Attracted to Males, Non-exclusive Type; and an Axis II diagnosis of Personality Disorder Not Otherwise Specified, with Antisocial Features;

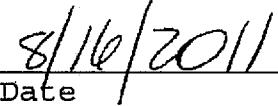
(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted.

This result, in addition to his prior offense conduct, deviant sexual interests, and a history of revocation or failure to meet the stipulations of conditional release, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Ivonne E. Bazerman
Chairperson
Certification Review Panel
Federal Bureau of Prisons



Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)
)
Petitioner,)
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v.) ORDER
)
AURELIO ALMEDA, JR.,)
Register Number 96245-024,)
)
Respondent.)

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the

appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the August 04, 2010 Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This ____ day of _____, 2011.

United States District Judge